

***Fitzpatrick***  
***37304-022106***



**ROANOKE CITY COUNCIL  
REGULAR SESSION**

**FEBRUARY 21, 2006  
2:00 P.M.**

**CITY COUNCIL CHAMBER**

**AGENDA**

**1. Call to Order--Roll Call. (Council Member Dowe was absent.)**

The Invocation was delivered by Council Member Sherman P. Lea.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

**NOTICE:**

Today's Council meeting will be replayed on Channel 3 on Thursday, February 23, 2006, at 7:00 p.m., and Saturday, February 25, 2006, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE WEDNESDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT [WWW.ROANOKEVA.GOV](http://WWW.ROANOKEVA.GOV). CLICK ON THE SERVICE ICON, CLICK ON COUNCIL AGENDAS TO ACCESS THE APPROPRIATE AGENDA AND COUNCIL MEETING. IF ADOBE ACROBAT IS NOT AVAILABLE, A PROMPT WILL APPEAR TO DOWNLOAD PRIOR TO VIEWING AGENDA INFORMATION.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT [WWW.ROANOKEVA.GOV](http://WWW.ROANOKEVA.GOV), TO OBTAIN AN APPLICATION.

## **2. PRESENTATIONS AND ACKNOWLEDGEMENTS:**

A Resolution memorializing the late Evelyn Bruce Snead, mother of George C. Snead, Jr., former Assistant City Manager of Operations.

**Adopted Resolution No. 37304-022106. (6-0)**

**File #80**

3.

### **CONSENT AGENDA**

**Approved (6-0)**

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of the regular meetings of Council held on Tuesday, January 3, 2006, Tuesday, January 17, 2006, and the special meeting held on Tuesday, January 17, 2006.

**RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded.**

- C-2 A communication from Carol Jensen tendering her resignation as a member of the Roanoke Neighborhood Advocates.

**RECOMMENDED ACTION: Accept the resignation and receive and File #110-488 file the communication.**

- C-3 Qualification of Robert Williams, Jr., as a member of the Blue Ridge Behavioral Healthcare Board of Directors, for a term ending December 31, 2008.

**RECOMMENDED ACTION: Receive and file.  
File #15-110-314**

- C-4 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended.

**RECOMMENDED ACTION: Concur in the request.  
File #132**

### **REGULAR AGENDA**

4. PUBLIC HEARINGS: NONE.

## 5. PETITIONS AND COMMUNICATIONS:

- a. Recommendation of the Clerk of Circuit Court for acceptance of Compensation Board Technology Trust Funds, in the amount of \$29,964.00; and a communication from the City Manager concurring in the recommendation.

**Adopted Budget Ordinance No. 37305-022106. (6-0)**  
**File #60-103-214**

## 6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS: NONE.

### ITEMS RECOMMENDED FOR ACTION:

1. Acceptance of Workforce Investment Act Capacity Building funds, in the amount of \$12,100.00, from the Western Virginia Workforce Development Board; and appropriation of funds.  
**Adopted Budget Ordinance No. 37306-022106. (6-0)**  
**File #60-72**
2. Acceptance of a subaward from Virginia Commonwealth University, in the amount of \$258,505.00, in connection with Virginia Institute for Social Service Training Activities (VISSTA); and appropriation of funds.  
**Adopted Budget Ordinance No. 37307-022106 and Resolution No. 37308-022106. (6-0)**  
**File #60-72**
3. Acceptance of a Domestic Violence Program grant, in the amount of \$32,967.00, from the Virginia Department of Criminal Justice Services; and appropriation and transfer of funds.  
**Adopted Budget Ordinance No. 37309-022106 and Resolution No. 37310-022106. (6-0)**  
**File #5-60-236**

4. Execution of Amendment No. 3 to the Agreement with the YMCA of Roanoke Valley, Inc., in connection with property located at the corner of Church Avenue and Fifth Street, S. W.  
**Adopted Ordinance No. 37311-022106. (6-0)**  
**File #2-100-166**

5. Adoption of a resolution in support of multi-modal Interstate 81 corridor improvements.  
**Adopted Resolution No. 37312-022106. (6-0)**  
**File #20-77**

b. CITY ATTORNEY:

1. Amendment and reenactment of Ordinance No. 35619-101801, to vacate, discontinue and close a portion of an undeveloped alley between 10½ and 11<sup>th</sup> Streets, S. E.  
**Adopted Ordinance No. 37313-022106. (6-0)**  
**File #514**

2. Amendment of Ordinance No. 36226-020303, adopted on February 3, 2003, to allow additional time for the Roanoke Redevelopment and Housing Authority to prepare and record a plat of subdivision, in connection with development of the Fifth Street Gateway Project.  
**Adopted Ordinance No. 37314-022106. (6-0)**  
**File #178-514**

c. DIRECTOR OF FINANCE:

1. Adoption of an ordinance appropriating \$35,055,000.00 of general obligation public improvement bonds for several projects that were established and funded in advance of issuance of 2006 General Obligation Bonds.  
**Adopted Budget Ordinance No. 37315-022106. (6-0)**  
**File #53-60-192-217-301-416-467-540-557-558**

## **7. REPORTS OF COMMITTEES:**

- a. Request of the Roanoke City School Board for appropriations to fund facility maintenance, food services equipment, school-based furniture, and construction of the football stadium to be located on the Patrick Henry High School campus; and a report of the Director of Finance recommending that Council concur in the request. Kenneth F. Mundy, Executive Director of Fiscal Services, Spokesperson.

**Adopted Budget Ordinance No. 37316 on first reading.  
(4-2, Council Members Lea and Wishneff voting no.)  
File #60-122-217-270-467-472**

## **8. UNFINISHED BUSINESS: NONE.**

## **9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.**

## **10. MOTIONS AND MISCELLANEOUS BUSINESS:**

- a. Inquiries and/or comments by the Mayor and Members of City Council.

**Dr. Cutler referred to an article in the January 2006 *Virginia Town & City* Magazine with regard to benefits of City squares.  
File #80-227**

Council Member Cutler called attention to a column by Dan Smith in the February 13, 2006 edition of the *Blue Ridge Business Journal* that complimented Gary Hegner, Parks Supervisor, Roanoke Parks and Recreation Department, for encouraging student artist and skateboarder Hunter Dickenson to paint the City-County Skateboard Park.  
File #67-80-227

Council Member Cutler announced that Mike Etienne, former Director of Housing and Neighborhood Services, recently received his Doctorate of Philosophy Degree. He advised that he served on the Doctoral Committee and attended the oral examination on Mr. Etienne's dissertation at Virginia Commonwealth University on February 9, 2006.

File #80

Council Member Cutler announced the availability of a 2-1-1 number for various health/human service needs, which has been a long term goal of the Council of Community Services.  
File #72-241

- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

## **11. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

**Ms. Amanda F. Davis, 1998 Cahas Mountain Road, Boones Mill, Virginia, requested an easement across City owned property in order to have access to her property which is located in the Carvins Cove area of Roanoke County.**

**File #166**

**Mr. John E. Kepley, 2909 Morrison Street, S. E., spoke with regard to the renovation of Victory Stadium.**

**File #122**

**Mr. Winfred Noell, 2743 Northview Drive, S. W., spoke with regard to comments made by the Mayor during his Mayoral campaign in 2004 with regard to renovation options for Victory Stadium.**

**File #122**

## **12. CITY MANAGER COMMENTS:**

**The City Manager called attention to an article in the February 21, 2006 edition of the *Roanoke Times* with regard to a pledge of \$60,000.00 from the Roanoke Valley Convention and Visitors Bureau, the Roanoke Valley Economic Development Partnership and several local governments to attract the second annual U. S. Challenge to the Roanoke Valley, which pairs athletic and outdoor competition with tests of strategic thinking and teamwork.**

**File #293**

**THE COUNCIL MEETING WAS DECLARED IN RECESS TO BE RECONVENED AT 7:00 P.M., IN THE CITY COUNCIL CHAMBER, ROOM 450, NOEL C. TAYLOR MUNICIPAL BUILDING.**





**ROANOKE CITY COUNCIL  
REGULAR SESSION**

**FEBRUARY 21, 2006  
7:00 P.M.**

**CITY COUNCIL CHAMBER**

**AGENDA**

**Call to Order -- Roll Call. (Mayor Harris and Council Member  
Dowe were absent.)**

The Invocation was delivered by Vice-Mayor Beverly T. Fitzpatrick, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Fitzpatrick.

Welcome. Vice-Mayor Fitzpatrick.

**NOTICE:**

Tonight's Council meeting will be replayed on Channel 3 on Thursday, February 23, 2006, at 7:00 p.m., and Saturday, February 25, 2006, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

## **PRESENTATIONS AND ACKNOWLEDGEMENTS:**

Proclamation declaring the month of March 2006 as DeMolay Month.  
**File #3**

### **A. PUBLIC HEARINGS:**

1. Proposal of the City of Roanoke to amend Vision 2001–2020, the City’s Comprehensive Plan, to include the Strategic Housing Plan. R. Brian Townsend, Agent, City Planning Commission.  
**Adopted Ordinance No. 37317–022106. (5–0)**  
**File #178–200–424**
2. Proposal of the City of Roanoke to amend Vision 2001–2020, the City’s Comprehensive Plan, to include the Mill Mountain Park Management Plan. R. Brian Townsend, Agent, City Planning Commission.  
**Adopted Ordinance No. 37318–022106. (5–0)**  
**File #67–200–424**
3. Amendment of the City’s Fee Compendium to incorporate new zoning districts and associated filing fees. R. Brian Townsend, Agent, City Planning Commission.  
**Adopted Ordinance No. 37319–022106. (5–0)**  
**File #51–289**
4. Proposal to lease City–owned property located at 32 Market Square to Juan E. Garcia, d/b/a Paradiso Cuban Restaurant, to be used as a food service establishment, for a term of three years, commencing March 1, 2006. Darlene L. Burcham, City Manager.  
**Adopted Ordinance No. 37320–022106. (5–0)**  
**File #42–166–373**
5. Proposal of the City of Roanoke to amend a lease agreement dated January 9, 2004, with the YMCA of Roanoke Valley, Inc., to include certain property located at the corner of 5<sup>th</sup> Street and Luck Avenue, S. W. Darlene L. Burcham, City Manager.  
**Adopted Ordinance No. 37321–022106. (5–0)**  
**File #100–166–373**

## **B. OTHER BUSINESS:**

1.(a) Petition for appeal of a decision of the Architectural Review Board, filed by Dawn S. Waters, with regard to replacement of windows at 377 Albemarle Avenue, S. W.

(b) Report of the Architectural Review Board with regard to the above referenced petition for appeal. Robert Richert, Vice-Chair.

**Based upon evidence presented on February 21, 2006, Council voted to affirm the decision of the Architectural Review Board on December 8, 2005, as set forth in a letter dated December 9, 2005, and that no Certificate of Appropriateness be issued to install replacement windows at 377 Albemarle Avenue, S. W., on the grounds that the replacement windows are not consistent with the H-2 Guidelines, will reduce the amount of window space, are not the appropriate proportion or design, and are not architecturally compatible with structures in the H-2 Historic District. (5-0)**

**File #66-249**

## **C. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

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Presentation by Countryside Neighborhood Alliance with regard to the Countryside Golf Course property. Valerie Garner, Chair, Spokesperson. (Sponsored by Council Members Sherman P. Lea and Brian J. Wishneff.)

**Referred to the City Manager for response.**

**File #166-450-557**

**The following persons spoke in connection with the development of Countryside Golf Course and/or construction of a football stadium at Patrick Henry High School:**

**Mr. Phillip P. Wright, 1646 Center Hill Drive, S. W.  
Ms. Alice P. Hincker, 4024 South Lake Drive, S. W.  
Ms. Margaret Keyser, 2701 Guilford Avenue, S. W.  
Mr. Allan C. Scanlan, 1631 Center Hill Drive, S. W.  
Mr. Winfred Noell, 2743 Northview Drive, S. W.  
Mr. Glen Fleenor, 1738 Blair Road, S. W.  
Ms. Suzanne Osborne, 1702 Blair Road, S. W.  
Ms. Susan Hall, 2237 Ranch Road, N. W.  
Dr. Virginia B. Stuart, 3774 Laurel Ridge Road, N. W.  
Mr. John Graybill, 2443 Tillett Road, S. W.  
Mr. Chris Craft, 1501 East Gate, N. E.  
Mr. Michael Higgins, 2267 Countryside Road, N. W.  
Ms. Sarah Higgins, 2267 Countryside Road, N. W.  
Mr. Daniel M. Hale, Jr., 4425 Oleva Street, N. W.  
File #66-122-467-557**

**Mr. John C. Kepley, 2909 Morrison Street, S. E., spoke in support of the renovation of Victory Stadium, and expressed concern with regard to Council's action in connection with construction of a football stadium at Patrick Henry High School.  
File #66-122-467**

**Mr. Robert E. Gravely, 729 27<sup>th</sup> Street, N. W., spoke with regard to various issues of concern.  
File #66**

**THE COUNCIL MEETING WAS DECLARED IN RECESS TO BE RECONVENED ON FRIDAY, MARCH 3, 2006, AT 8:30 A.M., ROOM 159, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., FOR THE COUNCIL'S ANNUAL FINANCIAL PLANNING SESSION.**